

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.11315 of 2017 (O&M)
Date of decision: 29.08.2018

Ajay Kumar and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ankit Kharbanda Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. S.S. Goraya, Advocate
for respondents No.2 to 4.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of Report No.35 dated 25.04.2016 vide which a cross case under Sections 324, 506, 34 of the Indian Penal Code (for short 'IPC') has been registered in case FIR No.43 dated 15.04.2016, under Sections 324, 323, 34 IPC at Police Station Division No.2 Pathankot and subsequent proceedings arising therefrom on the basis of compromise deed dated 18.02.2017 (Annexure P-3).

In the present case, the Report was registered on the statement of Vishal Chaudhary son of Manohar Lal. Now, dispute between the parties has been resolved.

Vide order dated 03.04.2017, the parties were directed to appear before the learned Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Pathankot wherein it has been reported that statements of

the parties have been recorded and compromise entered between the parties is voluntary and genuine.

Learned counsel for the State as well as learned counsel for respondents No.2 to 4 have not disputed that the parties i.e. petitioners, respondents No.2 to 4, have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed, Report No.35 dated 25.04.2016 vide which a cross case under Sections 324, 506, 34 IPC has been registered in case FIR No.43 dated 15.04.2016, under Sections 324, 323, 34 IPC at at Police Station Division No.2 Pathankot and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

August 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no